

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

FERNANDO RODRIGUEZ

PLAINTIFF

v.

Civil No. 05-5061

CAPTAIN HUNTER PETRAY;  
and SGT. WISEMAN

DEFENDANTS

O R D E R

Now on this 13th day of February, 2006, comes on for consideration the **Magistrate Judge's Report and Recommendation** (document #39), in this matter, to which no objections have been made, and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

**IT IS THEREFORE ORDERED** that the **Magistrate Judge's Report and Recommendation is adopted in toto**.

**IT IS FURTHER ORDERED** that, for the reasons stated in the Magistrate Judge's Report and Recommendation, defendants' motion to dismiss is granted and this case is dismissed based on Rodriguez's failure to comply with the order of the court and his failure to prosecute this action. See Fed.R.Civ.P.41(b).

/s/Jimm Larry Hendren  
HON. JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE